

REMARKS

Rejected claim 23 has been cancelled.

Claim 25 has been rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

This claim has been amended in consideration of the Examiner's comments and suggestion to define the invention in consistent terms that find proper antecedent bases in the claim. As amended, this claim is now submitted to define the invention with sufficient particularity and distinctiveness to be patentable to applicants.

Rejected claim 13 has been cancelled.

Claims 12, 14 have been rejected under 35 USC §102(b) as being anticipated by Wilk '015. This rejection is respectfully traversed.

Claims 12, 14 have been amended to define the invention more specifically and, as amended, now recite "a retractor disposed within a lumen of the cannula to extend beyond the distal end of the cannula for engaging a vessel in response to movement of the retractor within the lumen to resiliently displace the vessel away from axial alignment with the elongated cannula; and a surgical tool supported in a lumen of the elongated cannula and extending beyond the distal end thereof for simultaneous operation with the retractor for performing a surgical procedure on

the vessel engaged by the retractor”, and “the retractor and the surgical tool are relatively movable near the distal end of the cannula to facilitate severing a portion of the vessel engaged by the retractor.”

These aspects of the claimed invention, for example, as shown and described with reference to Figures 3B, C, facilitate a surgical procedure by retracting a vessel laterally while simultaneously performing a procedure with a surgical tool. In addition, the dependent claim is further restricted by the recitation of the retractor and tool being relatively movable near the distal end of the cannula for greater versatility or maneuverability during a surgical procedure.

These aspects of the claimed invention were not previously presented because the claims were submitted to be adequately distinguishable over the references that were cited prior to the citation of Wilk ‘015. This newly-cited reference, however, is understood to operate robotic tools not including a specific structure or components thereof as now claimed by applicants. It is therefore respectfully submitted that claims 12 and 14 are not anticipated by, but instead are patentably distinguishable over, the cited art.

Rejected claim 20 has been cancelled.

Claim 12 has been rejected under 35 USC §102(b) as being anticipated by DeFaria-Correa et al. ‘496. This rejection is respectfully traversed.

Claim 12 as amended specifically recites “a retractor disposed within a lumen of the cannula to extend beyond the distal end of the cannula for engaging a vessel in response to movement of the retractor within the lumen to resiliently displace the vessel away from axial alignment with the elongated cannula; and a surgical tool supported in a lumen of the elongated cannula and extending beyond the distal end thereof for simultaneous operation with the retractor for performing a surgical procedure on the vessel engaged by the retractor.”

These aspects of the claimed invention are discussed in the above Remarks regarding claims 12, 14 and are not disclosed or even suggested in DeFaria-Correa et al. ‘496. At best, this reference discloses an elevator/retractor that is inserted through opening 22 to move tissue (Col. 5, lines 6-8), but does not disclose a structure or components thereof as claimed by applicants. It is therefore respectfully submitted that claim 12 is patentably distinguishable over the cited art.

Claims 22-24 have been cancelled.

Claim 21 has been rejected under 35 USC §102(b) as being anticipated by Bonutti et al. ‘153. This rejection is respectfully traversed.

This claim as now amended specifically recites “engaging the target vessel with the retractor for resiliently displacing the target vessel laterally away from axial alignment with the elongated cannula; and simultaneously engaging a branch

vessel of the displaced target vessel with the surgical tool to sever the branch vessel from the target vessel.”

These aspects of the claimed invention were not previously presented for consideration because the claim was previously regarded to be adequately distinguishable over the references that were cited prior to the citation of Bonutti et al. '153.

These aspects of the claimed invention are not disclosed in Bonutti et al. '153 which is understood merely to expand a membrane or movable wall against a continuous mass 207 of body tissue in a portion of the body 213 (col. 17, line 58 to col. 18, line 12). There is no disclosure found in this reference of the specific surgical procedure now recited in claim 21 which is therefore submitted to be patentably distinguishable over the cited art.

Claims 21 and 25 have been rejected under 35 USC §102(b) as being anticipated by DeFonzo et al. '870. This rejection is respectfully traversed.

These claims as amended now specifically recite “engaging the target vessel with the retractor for resiliently displacing the target vessel laterally away from axial alignment with the elongated cannula; and simultaneously engaging a branch vessel of the displaced target vessel with the surgical tool to sever the branch vessel from the target vessel.”

In addition, dependent claim 25 is further restricted by the specific limitation of “the retractor and surgical tool are selectively deployed from the distal end of the cannula for simultaneous operation to sever the branch vessel from the target vessel.”

These aspects of the claimed invention are discussed in the above Remarks regarding claim 21 and Bonutti et al. ‘153, and are not disclosed in DeFonzo et al. ‘870. At best, any retractor or dissector 202 disclosed in this reference is understood to extend axially along a vessel and not resiliently displace a vessel V. Instead, DeFonzo et al. ‘870 discloses relying upon the axially-aligned U-shape groove or cradle of dissector 202 to confine the vessel V along substantially the length thereof that is to be harvested and retrieved while disposed within the axial groove. In addition, this reference is not understood to disclose selectively deployable retractor and surgical tool from the distal end of the dissector 202 (that appears to function as a retractor), in a manner as now claimed by the applicants. It is therefore respectfully submitted that claims 21 and 25 are patentably distinguishable over the cited art.

The allowability of claims 15-19 (except for objectionable dependency from a rejected base claim) is noted. Claim 15 has been re-written in independent form incorporating the limitations of the base claim, and the dependency of claims 16-19

is correct. It is therefore respectfully submitted that claims 15-19 are now patentable to applicants.

Approval of the proposed drawing correction is noted. Applicants are submitting herewith a Letter to the Chief Draftsperson that is believed to contain sufficient instructions for conforming to the requirements for formal drawings.

Reconsideration and allowance of all pending claims are solicited. In the event the Examiner decides to continue the rejections, then it is requested that this amendment be entered to simplify the issues on appeal.

Respectfully submitted,
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